

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 7-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

DEX0478US.NP

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/552,084

INTERNATIONAL APPLICATION NO.  
PCT/US2004/10039INTERNATIONAL FILING DATE  
April 1, 2004PRIORITY DATE CLAIMED  
April 1, 2003

## TITLE OF INVENTION

New Uses of Lp-PLA2 in Combination to Assess Coronary Risk

APPLICANT(S) FOR DO/EO/US

WOLFERT, Robert L. et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 729462604US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/552,084</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US2004/10039</b>	ATTORNEY'S DOCKET NUMBER <b>DEX0478US.NP</b>
23. Other items or information: 1) Copy of Notification of Missing Requirements; 2) Petition for Extension of Time; and 3) Response to Notification of Missing Requirement.s		
The following fees have been submitted: 24. <input type="checkbox"/> Basic national fee ..... \$300		<b>CALCULATIONS</b> <b>PTO USE</b> \$                    \$0.00
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 All other situations. . . . . \$200		\$                    \$0.00 \$0 \$200
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. . . . . \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. . . . . \$400 All other situations. . . . . \$500		\$                    \$0.00 \$0 \$100 \$400 \$500
<b>TOTAL OF 24, 25 and 26 =</b>		\$                    \$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)
- 100 =	0 /50 =	0
		x \$250.00
		\$                    \$0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$                    \$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	0
		x \$50.00
Independent claims	- 3 =	0
		x \$200.00
		\$                    \$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00		\$                    \$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$                    \$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$                    \$0.00
<b>SUBTOTAL =</b>		\$                    \$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$                    \$0.00
<b>TOTAL NATIONAL FEE =</b>		\$                    \$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		\$                    \$0.00
<b>TOTAL FEES ENCLOSED =</b>		\$                    \$2,290.00
12/06/2006 FREY1 00000119 10552084		Amount to be \$
01 FC:1617 130.00 OP		Amount to be \$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1619. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

**Kathleen A. Tyrrell, Reg. No. 38,350**

**Licata & Tyrrell P.C.**

**66 E. Main Street**

**Marlton, New Jersey 08053**

**Telephone: (856) 810-1515**

**Facsimile: (856) 810-1454**

  
SIGNATURE

**Kathleen A. Tyrrell**

NAME

**38,350**

REGISTRATION NUMBER

**December 1, 2006**

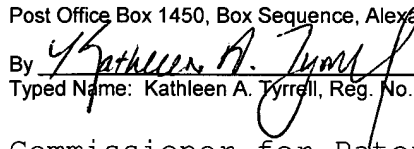
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DEX0478US.NP  
Inventors: Wolfert et al.  
Serial No.: 10/552,084  
Filing Date: Not Yet Assigned  
Examiner: Not Yet Assigned  
Customer No.: 32800  
Group Art Unit: Not Yet Assigned  
Confirmation No.: 4146  
Title: New Uses of Lp-PLA2 in  
COMbination to Assess Coronary  
Risk

"Express Mail" Label No. EV729462604US  
Date of Deposit December 1, 2006

I hereby certify that this paper is being deposited with the  
United States Postal Service "Express Mail Post Office  
to Addressee" service under 37 CFR 1.10 on the date  
indicated above and is addressed to the Commissioner for Patents  
Post Office Box 1450, Box Sequence, Alexandria, VA 22313-1450

By   
Typed Name: Kathleen A. Tyrrell, Reg. No. 38,350

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

In response to the Notification of Missing Requirements dated  
May 2, 2006, a response to which was due July 2, 2006, a Petition  
for a five (5) month extension of time and the requisite fee are  
provided herewith.

Enclosed herewith for filing is a Combined Declaration and

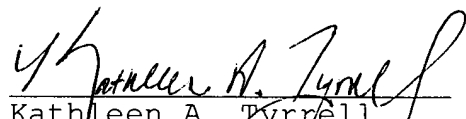
Power of Attorney, executed by the inventor(s).

Further, Applicants' attorney has carefully reviewed the application and respectfully disagrees that a Sequence Listing is required. There are no nucleotide and/or amino acid sequences disclosed in the instant application which require submission of a Sequence Listing. Reconsideration of this requirement is therefore respectfully requested.

Applicants believe this to be a complete response to the Notification of Missing Requirements.

A copy of this Notification is provided herewith.

Respectfully submitted,

  
Kathleen A. Tyrrell  
Registration No. 38,350

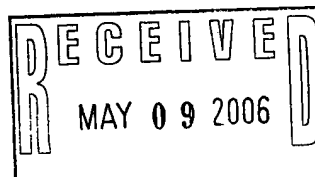
Date: **December 1, 2006**

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515



## UNITED STATES PATENT AND TRADEMARK OFFICE



By United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/552,084	FIRST NAMED APPLICANT Robert L. Wolfert	ATTY. DOCKET NO. DEX 047805.NP
---	--	-----------------------------------

32800  
 LICATA & TYRRELL P.C.  
 66 E. MAIN STREET  
 MARLTON, NJ 08053

Docket System ☒  
 Status Report ☒  
 Docket Book ☒

INTERNATIONAL APPLICATION NO. PCT/US04/10039	
I.A. FILING DATE 04/01/2004	PRIORITY DATE 04/01/2003

CONFIRMATION NO. 4146  
 371 FORMALITIES LETTER



Date Mailed: 05/02/2006  
 (MAY) 11/2/06

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- o Copy of the International Application filed on 10/03/2005
- o Copy of the International Search Report filed on 10/03/2005
- o Preliminary Amendments filed on 10/03/2005
- o Information Disclosure Statements filed on 10/03/2005
- o Oath or Declaration filed on 10/03/2005
- o U.S. Basic National Fees filed on 10/03/2005
- o Priority Documents filed on 10/03/2005
- o Specification filed on 10/03/2005
- o Claims filed on 10/03/2005
- o Abstracts filed on 10/03/2005
- o Drawings filed on 10/03/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- o Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- o To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- o **\$130 Surcharge.**
- o This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- o A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- o **For Rules Interpretation, call (571) 272-0951**
- o **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- o **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

---

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/552,084	PCT/US04/10039	

FORM PCT/DO/EO/905 (371 Formalities Notice)